

WRIT PETITION NO. 2546 OF 2025

Kamalesh Navashya Dalavi	...	Petitioner
versus		
The State of Maharashtra & Ors.	...	Respondents

Mr.Kulkarni P.A. for the Petitioner (through VC).
Ms.D.S.Deshmukh, AGP for Respondent Nos. 1 and 2, State.

**CORAM: RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 26th February, 2025

P.C. :-

1. In this Petition, the Petitioner prays for grant of minimum pay scale at the lowest grade in the regular pay scale extended to the regular employees holding the same post. The second prayer is that he should be protected against the termination of his contractual engagement, since 2020.

2. The learned AGP has vehemently opposed this Petition, not as against the first prayer, since that has been settled by the Hon'ble Supreme Court in the light of various judgments of this

Court, but qua the second prayer, on the ground that the Petitioner has put in only four years as a contractual employee. This Court has already delivered an order on 22nd November, 2024 in Writ Petition No. 16763 of 2024 and a group of cases (***Akram Harun Shaikh And Ors. Versus The State of Maharashtra Throu. Its Sec. Dept. Of Public Health And Ors.***), wherein this Court has protected those contractual ambulance drivers who have put in more than 10 years of service.

3. The learned Advocate for the sole Petitioner submits that the Petitioner has not completed 10 years.

4. In so far as the grant of pay scale is concerned, we have dealt with the entire history of the litigation with regard to these ambulance drivers, vide our extensive order dated 30th August, 2024 delivered at the Aurangabad Bench in a large group of cases (***Writ Petition No.1913 of 2024, Navnath Bhaskar Dive And Anr vs. State of Maharashtra And Ors.***).

5. The Hon'ble Supreme Court has crystallized the law by considering various judgments delivered by this Court at the Principal Seat, at the Aurangabad Bench and the Nagpur Bench. The

order delivered by this Court at Aurangabad in *Navnath Bhaskar Dive (supra)*, is cited.

6. In view of the above, **this Writ Petition is disposed off** with the direction that the Petitioner would be entitled for the minimum pay scale at the lowest grade in the regular pay scales extended to the regular employees.

7. The pay scale granted by this Court shall be paid prospectively. We would also advise the Zilla Parishad and the State Government to ensure that the fresh tenders or contracts by which the services of contractual ambulance drivers are renewed or extended or freshly engaged due to available vacancies, must indicate the pay scale which will have to be mandatorily paid to these drivers and accordingly the financial aspect of the tenders shall be taken care of by the State Government. Needless to state, further directions that are issued in *Navnath Bhaskar Dive (supra)*, with regard to the payment of the wages to the contractual drivers directly by the Zilla Parishad or by the State Government, would be equally applicable.

8. Since the Petitioner has not completed 10 years as a contractual employee, we are not granting him relief with reference to his second prayer.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)